



DT02 PCT/PTO

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PCT #4

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85348

Takashi MANAKO, et al.

Appln. No.: 10/519,550

Group Art Unit: Not yet assigned

Confirmation No.: Not yet assigned

Examiner: Not yet assigned

Filed: December 28, 2004

For: FUEL FOR SOLID ELECTROLYTE TYPE FUEL CELL AND SOLID ELECTROLYTE
TYPE FUEL CELL AND A METHOD OF USING IT

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Laid-Open Patent Application Publication No. 2001-093558, published April 6, 2001, previously submitted in an Information Disclosure Statement dated December 28, 2004.
2. Japanese Unexamined Patent Application Publication No. S62-064066, published March 20, 1987, previously submitted in an Information Disclosure Statement dated December 28, 2004.
3. Japanese Unexamined Patent Application Publication No. H10-507572, published July 21, 1998, previously submitted in an Information Disclosure Statement dated December 28, 2004.

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4. Japanese Laid-Open Patent Application Publication No. 2003-346863, published December 15, 2003.
5. International Publication No. WO 96/12317, published April 25, 1996.
6. International Publication No. WO 99/44253, published September 2, 1999.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses here with a copy of a corresponding Japanese Office Action dated January 6, 2004 and an English translation of the pertinent portions thereof which cites such documents and indicates the degree for relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

INFORMATION DISCLOSURE STATEMENT

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Bernstein", is written over a horizontal line.

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CUSTOMER NUMBER

Date: March 9, 2005

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	10/519,550
				Confirmation Number	Not yet assigned
				Filing Date	December 28, 2004
				First Named Inventor	Takashi MANAKO
				Art Unit	Not yet assigned
Examiner Name	Not yet assigned				
Attorney Docket Number	Q85348				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ³ (if known)		
		US			
		US			
		US			
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		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		JP	2001-093558	A	04-06-2001		
		JP	S62-064066	A	03-20-1987		
		JP	H10-507572	A	07-21-1998		
		JP	2003-346863	A	12-05-2003		
		WO	96/12317	A1	04-25-1996	University of Southern California, et al.	
		WO	99/44253	A1	09-02-1999	Ballard Power Systems Inc.	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US94/11911

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION WAS LACKING

This ISA found multiple inventions as follows:

- I. Claims 1-31, drawn to a first fuel cell.
- II. Claim 32, drawn to an electrode.
- III. Claims 33-36, drawn to a method for processing a carbon structure/structure.
- IV. Claims 37-46, drawn to a method for making an electrode/electrode.
- V. Claims 47-52, drawn to a second fuel cell.
- VI. Claim 52, drawn to a method for generating energy.

The above inventions lack unity under PCT Rule 13, since, for example, the Group IV method comprises steps not encompassed by any of the other groups such as the application of the voltage between the electrodes. The Group III method is also distinct from all of the other groups since the same comprises immersing the structure in a liquid polymer, which step is not used in any of the other groups. The Group I cell is distinct from the Group V cell because the latter includes a perfluorooctanesulfonic acid which the Group I cell does not include. The electrode as recited in Group II could be used in an environment other than a fuel cell, thus making it different than the fuel cell claims. Finally, the method of Group VI contains language distinguishing the subject matter from the other groups.

Response may be made directly to the examiner in Group 1100 by mail or by facsimile transmission to (703) 305-3599.